

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: James M. Binley et al.  
U.S. Serial No.: 10/780,993 Examiner: J. Parkin  
Filed: February 18, 2004 Group Art Unit: 1648  
For: STABILIZED VIRAL ENVELOPE PROTEINS AND USES THEREOF

1185 Avenue of the Americas  
New York, New York 10036

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Progenics Pharmaceuticals, Inc. ("Progenics"), 777 Old Saw Mill River Road, Tarrytown, New York 10591, is the assignee of record of an equal undivided right, title and interest in and to U.S. Serial No. 09/602,864, filed June 23, 2000, now U.S. Patent No. 6,710,173 issued March 24, 2004, by virtue of an assignment from Norbert Schuelke, William C. Olson, and Paul J. Maddon to Progenics, which assignment was recorded in the U.S. Patent and Trademark Office on March 8, 2001 at Reel No. 011606, Frames 0092-0095. A copy of the Notice of Recordation and of this Assignment is attached hereto as **Exhibit 1**.

By virtue of the aforementioned Assignment, Progenics is also the assignee of record of an equal, undivided right, title and interest in and to the above-identified application, which is a continuation of U.S. Serial No. 09/602,864.

Progenics hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,710,173.

Progenics hereby agrees that any patent issued from the subject application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent No. 6,710,173, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors and assigns.

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In making the above disclaimer, Progenics does not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,710,173, in the event that U.S. Patent No. 6,710,173 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

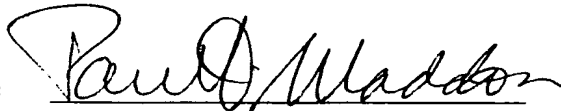
I have reviewed the Notice of Recordation and Assignment attached hereto and certify that to the best of my knowledge and belief, Progenics owns an equal, undivided right, title and interest in and to each of the subject application and U.S. Patent No. 6,710,173. I further certify that I am authorized to sign this Terminal Disclaimer on behalf of Progenics.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 1 May 2008

Progenics Pharmaceuticals, Inc.

By:



Paul J. Maddon, M.D., Ph.D.  
Chief Executive Officer  
Progenics Pharmaceuticals, Inc.

EXHIBIT 2



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TERMINAL DISCLAIMER

Aaron Diamond AIDS Research Centre ("ADARC"), 455 First Avenue, 7<sup>th</sup> Floor, New York, New York 10016, is an assignee of record of an equal, undivided right, title and interest in and to U.S. Serial No. 09/602,864, filed June 23, 2000, now U.S. Patent No. 6,710,173 issued March 24, 2004, by virtue of an assignment from James M. Binley and John P. Moore to ADARC, which assignment was recorded in the U.S. Patent and Trademark Office on March 8, 2001 at Reel No. 011606, Frames 0025-0027. A copy of the Notice of Recordation and of this Assignment are attached hereto as **Exhibit 1**.

By virtue of the aforementioned Assignment, ADARC is also the assignee of record of an equal, undivided right, title and interest in and to the above-identified application, which is a continuation of U.S. Serial No. 09/602,864.

ADARC hereby disclaims, except as provided below, the terminal portion of the statutory term of any patent granted on the subject application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,710,173.

ADACR hereby agrees that any patent issued from the subject application shall be enforceable only for and during such period that the legal title to such patent shall be the same as the legal title to U.S. Patent No. 6,710,173, this agreement to run with any patent granted on the subject application and to be binding upon the grantee, its successors and assigns.

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In making the above disclaimer, ADARC does not disclaim the terminal part of any patent granted on the subject application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of U.S. Patent No. 6,710,173, in the event that U.S. Patent No. 6,710,173 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term.

I have reviewed the Notice of Recordation and Assignment attached hereto and certify that to the best of my knowledge and belief, ADARC owns an equal, undivided right, title and interest in and to each of the subject application and U.S. Patent No. 6,710,173. I further certify that I am authorized to sign this Terminal Disclaimer on behalf of ADARC.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4-16-08

Aaron Diamond AIDS Research Center

Signature: \_\_\_\_\_



Dr. David D. Ho  
Director and  
Chief Executive Officer  
Aaron Diamond AIDS Research Center